
By: **Senators Garagiola, Conway, Currie, Exum, Forehand, Grosfeld,
Hollinger, Hughes, Jones, Kasemeyer, Kelley, Lawlah, McFadden,
Pinsky, Ruben, and Teitelbaum**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms - Assault Weapons - Ban**

3 FOR the purpose of making it a misdemeanor to transport an assault weapon into the
4 State or to possess, sell, offer to sell, transfer, purchase, or receive an assault
5 weapon; providing that certain persons and acts are not covered by certain
6 assault weapons provisions; providing certain exceptions to certain crimes;
7 authorizing a law enforcement unit to seize and dispose of assault weapons
8 under certain circumstances; making it a misdemeanor to use an assault
9 weapon or a certain magazine in the commission of a felony or crime of violence;
10 providing certain penalties; defining certain terms; and generally relating to
11 assault weapons.

12 BY repealing and reenacting, with amendments,
13 Article - Public Safety
14 Section 5-101(p) and 5-202
15 Annotated Code of Maryland
16 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2003)

17 BY adding to
18 Article - Public Safety
19 Section 5-2A-01 through 5-2A-05, inclusive, to be under the new subtitle
20 "Subtitle 2A. Assault Weapons"
21 Annotated Code of Maryland
22 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2003)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Public Safety

2 5-101.

3 (p) "Regulated firearm" means[:

4 (1)] a handgun[; or

5 (2) a firearm that is any of the following specific assault weapons or
6 their copies, regardless of which company produced and manufactured that assault
7 weapon:

8 (i) American Arms Spectre da Semiautomatic carbine;

9 (ii) AK-47 in all forms;

10 (iii) Algimec AGM-1 type semi-auto;

11 (iv) AR 100 type semi-auto;

12 (v) AR 180 type semi-auto;

13 (vi) Argentine L.S.R. semi-auto;

14 (vii) Australian Automatic Arms SAR type semi-auto;

15 (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;

16 (ix) Barrett light .50 cal. semi-auto;

17 (x) Beretta AR70 type semi-auto;

18 (xi) Bushmaster semi-auto rifle;

19 (xii) Calico models M-100 and M-900;

20 (xiii) CIS SR 88 type semi-auto;

21 (xiv) Claridge HI TEC C-9 carbines;

22 (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15

23 Sporter H-BAR rifle;

24 (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;

25 (xvii) Dragunov Chinese made semi-auto;

26 (xviii) Famas semi-auto (.223 caliber);

27 (xix) Feather AT-9 semi-auto;

28 (xx) FN LAR and FN FAL assault rifle;

- 1 (xxi) FNC semi-auto type carbine;
- 2 (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 3 (xxiii) Steyr-AUG-SA semi-auto;
- 4 (xxiv) Galil models AR and ARM semi-auto;
- 5 (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- 6 (xxvi) Holmes model 88 shotgun;
- 7 (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- 8 (xxviii) Manchester Arms "Commando" MK-45, MK-9;
- 9 (xxix) Mandell TAC-1 semi-auto carbine;
- 10 (xxx) Mossberg model 500 Bullpup assault shotgun;
- 11 (xxxi) Sterling Mark 6;
- 12 (xxxii) P.A.W.S. carbine;
- 13 (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- 14 (xxxiv) SIG 550/551 assault rifle (.223 caliber);
- 15 (xxxv) SKS with detachable magazine;
- 16 (xxxvi) AP-74 Commando type semi-auto;
- 17 (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21
18 sniper rifle, M1A, excluding the M1 Garand;
- 19 (xxxviii) Street sweeper assault type shotgun;
- 20 (xxxix) Striker 12 assault shotgun in all formats;
- 21 (xl) Unique F11 semi-auto type;
- 22 (xli) Daewoo USAS 12 semi-auto shotgun;
- 23 (xlii) UZI 9mm carbine or rifle;
- 24 (xliii) Valmet M-76 and M-78 semi-auto;
- 25 (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or
- 26 (xlv) Wilkinson Arms 9mm semi-auto "Terry"].

1 5-202.

2 This subtitle does not apply to:

3 (1) a short-barreled rifle or short-barreled shotgun that is:

4 [(1)] (I) an antique firearm as defined in § 4-201 of the Criminal Law
5 Article;

6 [(2)] (II) a device designed or redesigned for use other than as a weapon;

7 [(3)] (III) a device designed or redesigned for use as a signaling,
8 pyrotechnic, line throwing, safety, or similar device; or

9 [(4)] (IV) a firearm that cannot:

10 [(i)] 1. discharge a projectile by an explosive; and

11 [(ii)] 2. be readily restored to a firing condition; AND

12 (2) A FIREARM THAT IS PROHIBITED UNDER SUBTITLE 2A OF THIS TITLE.

13 SUBTITLE 2A. ASSAULT WEAPONS.

14 5-2A-01.

15 IN THIS SUBTITLE, "ASSAULT WEAPON" MEANS:

16 (1) A FIREARM THAT IS ANY OF THE FOLLOWING SPECIFIC ASSAULT
17 WEAPONS OR THEIR COPIES, REGARDLESS OF WHICH COMPANY PRODUCED AND
18 MANUFACTURED THAT ASSAULT WEAPON:

19 (I) AMERICAN ARMS SPECTRE DA SEMIAUTOMATIC CARBINE;

20 (II) AK-47 IN ALL FORMS;

21 (III) ALGIMEC AGM-1 TYPE SEMI-AUTO;

22 (IV) AR 100 TYPE SEMI-AUTO;

23 (V) AR 180 TYPE SEMI-AUTO;

24 (VI) ARGENTINE L.S.R. SEMI-AUTO;

25 (VII) AUSTRALIAN AUTOMATIC ARMS SAR TYPE SEMI-AUTO;

26 (VIII) AUTO-ORDNANCE THOMPSON M1 AND 1927 SEMI-AUTOMATICS;

27 (IX) BARRETT LIGHT .50 CAL. SEMI-AUTO;

28 (X) BERETTA AR70 TYPE SEMI-AUTO;

- 1 (XI) BUSHMASTER SEMI-AUTO RIFLE;
- 2 (XII) CALICO MODELS M-100 AND M-900;
- 3 (XIII) CIS SR 88 TYPE SEMI-AUTO;
- 4 (XIV) CLARIDGE HI TEC C-9 CARBINES;
- 5 (XV) COLT AR-15, CAR-15, AND ALL IMITATIONS EXCEPT COLT AR-15
6 SPORTER H-BAR RIFLE;
- 7 (XVI) DAEWOO MAX 1 AND MAX 2, AKA AR 100, 110C, K-1, AND K-2;
- 8 (XVII) DRAGUNOV CHINESE MADE SEMI-AUTO;
- 9 (XVIII) FAMAS SEMI-AUTO (.223 CALIBER);
- 10 (XIX) FEATHER AT-9 SEMI-AUTO;
- 11 (XX) FN LAR AND FN FAL ASSAULT RIFLE;
- 12 (XXI) FNC SEMI-AUTO TYPE CARBINE;
- 13 (XXII) F.I.E./FRANCHI LAW 12 AND SPAS 12 ASSAULT SHOTGUN;
- 14 (XXIII) STEYR-AUG-SA SEMI-AUTO;
- 15 (XXIV) GALIL MODELS AR AND ARM SEMI-AUTO;
- 16 (XXV) HECKLER AND KOCH HK-91 A3, HK-93 A2, HK-94 A2 AND A3;
- 17 (XXVI) HOLMES MODEL 88 SHOTGUN;
- 18 (XXVII) AVTOMAT KALASHNIKOV SEMIAUTOMATIC RIFLE IN ANY
19 FORMAT;
- 20 (XXVIII) MANCHESTER ARMS "COMMANDO" MK-45, MK-9;
- 21 (XXIX) MANDELL TAC-1 SEMI-AUTO CARBINE;
- 22 (XXX) MOSSBERG MODEL 500 BULLPUP ASSAULT SHOTGUN;
- 23 (XXXI) STERLING MARK 6;
- 24 (XXXII) P.A.W.S. CARBINE;
- 25 (XXXIII) RUGER MINI-14 FOLDING STOCK MODEL (.223 CALIBER);
- 26 (XXXIV) SIG 550/551 ASSAULT RIFLE (.223 CALIBER);
- 27 (XXXV) SKS WITH DETACHABLE MAGAZINE;

- 1 (XXXVI) AP-74 COMMANDO TYPE SEMI-AUTO;
- 2 (XXXVII) SPRINGFIELD ARMORY BM-59, SAR-48, G3, SAR-3, M-21
3 SNIPER RIFLE, M1A, EXCLUDING THE M1 GARAND;
- 4 (XXXVIII) STREET SWEEPER ASSAULT TYPE SHOTGUN;
- 5 (XXXIX) STRIKER 12 ASSAULT SHOTGUN IN ALL FORMATS;
- 6 (XL) UNIQUE F11 SEMI-AUTO TYPE;
- 7 (XLI) DAEWOO USAS 12 SEMI-AUTO SHOTGUN;
- 8 (XLII) UZI 9MM CARBINE OR RIFLE;
- 9 (XLIII) VALMET M-76 AND M-78 SEMI-AUTO;
- 10 (XLIV) WEAVER ARMS "NIGHTHAWK" SEMI-AUTO CARBINE; OR
- 11 (XLV) WILKINSON ARMS 9MM SEMI-AUTO "TERRY";
- 12 (2) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT CAN ACCEPT A
13 DETACHABLE MAGAZINE AND ANY OF THE FOLLOWING:
- 14 (I) A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH
15 THE ACTION OF THE FIREARM;
- 16 (II) A THUMBHOLE STOCK;
- 17 (III) A FOLDING OR TELESCOPING STOCK;
- 18 (IV) A GRENADE LAUNCHER OR FLARE LAUNCHER;
- 19 (V) A FLASH SUPPRESSOR; OR
- 20 (VI) A FORWARD PISTOL GRIP;
- 21 (3) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT HAS A FIXED
22 MAGAZINE WITH A CAPACITY OF MORE THAN 10 ROUNDS;
- 23 (4) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT HAS AN OVERALL
24 LENGTH OF LESS THAN 30 INCHES;
- 25 (5) A SEMIAUTOMATIC, CENTERFIRE PISTOL THAT CAN ACCEPT A
26 DETACHABLE MAGAZINE AND ANY OF THE FOLLOWING:
- 27 (I) A THREADED BARREL, CAPABLE OF ACCEPTING A FLASH
28 SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;
- 29 (II) A SECOND HANDGRIP;

1 (III) A SHROUD THAT IS ATTACHED TO OR PARTIALLY OR
2 COMPLETELY ENCIRCLES THE BARREL AND THAT PROTECTS THE BEARER'S HAND
3 FROM BURNING; OR

4 (IV) ANOTHER DETACHABLE MAGAZINE OUTSIDE OF THE PISTOL
5 GRIP;

6 (6) A SEMIAUTOMATIC PISTOL WITH A FIXED MAGAZINE OF MORE THAN
7 10 ROUNDS;

8 (7) A SEMIAUTOMATIC SHOTGUN WITH:

9 (I) A FOLDING OR TELESCOPING STOCK; AND

10 (II) A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH
11 THE ACTION OF THE WEAPON, A THUMBHOLE STOCK, OR A VERTICAL HANDGRIP; OR

12 (8) A SHOTGUN WITH A REVOLVING CYLINDER.

13 5-2A-02.

14 THIS SUBTITLE DOES NOT APPLY TO:

15 (1) LAW ENFORCEMENT PERSONNEL OF THE FEDERAL GOVERNMENT, A
16 MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD,
17 OR LAW ENFORCEMENT PERSONNEL OF THE STATE OR ANY LOCAL AGENCY OF THE
18 STATE, WHILE THOSE PERSONNEL OR MEMBERS ARE ACTING WITHIN THE SCOPE OF
19 THEIR OFFICIAL DUTIES;

20 (2) A FIREARM MODIFIED TO RENDER IT PERMANENTLY INOPERATIVE;

21 (3) PURCHASES, SALES, AND TRANSPORTATION TO OR BY A FEDERALLY
22 LICENSED DEALER OR MANUFACTURER WHO IS:

23 (I) PROVIDING OR SERVICING AN ASSAULT WEAPON OR
24 DETACHABLE MAGAZINE FOR A LAW ENFORCEMENT AGENCY OR PERSONNEL
25 LISTED UNDER ITEM (1) OF THIS SECTION; OR

26 (II) ACTING TO SELL OR TRANSFER AN ASSAULT WEAPON OR
27 DETACHABLE MAGAZINE TO A LICENSED FIREARM DEALER IN ANOTHER STATE;

28 (4) AN ORGANIZATION THAT IS REQUIRED OR AUTHORIZED BY FEDERAL
29 LAW GOVERNING THEIR SPECIFIC BUSINESS OR ACTIVITY TO MAINTAIN ASSAULT
30 WEAPONS, APPLICABLE AMMUNITION, AND DETACHABLE MAGAZINES;

31 (5) THE RECEIPT OF AN ASSAULT WEAPON OR DETACHABLE MAGAZINE
32 BY INHERITANCE IF THE DECEDENT LAWFULLY POSSESSED THE ASSAULT WEAPON;
33 OR

34 (6) THE RECEIPT OF AN ASSAULT WEAPON OR DETACHABLE MAGAZINE
35 BY A PERSONAL REPRESENTATIVE OF AN ESTATE.

1 5-2A-03.

2 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON
3 MAY NOT:

4 (1) TRANSPORT AN ASSAULT WEAPON INTO THE STATE; OR

5 (2) POSSESS, SELL, OFFER TO SELL, TRANSFER, PURCHASE, OR RECEIVE
6 AN ASSAULT WEAPON.

7 (B) A PERSON WHO LAWFULLY POSSESSED AN ASSAULT WEAPON BEFORE
8 OCTOBER 1, 2003, AND WHO REGISTERED THE ASSAULT WEAPON WITH THE
9 SECRETARY OF STATE POLICE BEFORE DECEMBER 1, 2003, MAY CONTINUE TO
10 POSSESS THE ASSAULT WEAPON.

11 5-2A-04.

12 A LAW ENFORCEMENT AGENCY MAY SEIZE AND DISPOSE OF AS CONTRABAND
13 AN ASSAULT WEAPON THAT IS TRANSPORTED, SOLD, TRANSFERRED, PURCHASED,
14 RECEIVED, OR POSSESSED IN VIOLATION OF THIS SUBTITLE.

15 5-2A-05.

16 (A) A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR
17 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A
18 FINE NOT EXCEEDING \$5,000 OR BOTH.

19 (B) (1) A PERSON WHO USES AN ASSAULT WEAPON OR A MAGAZINE WITH A
20 CAPACITY OF MORE THAN 20 ROUNDS IN THE COMMISSION OF A FELONY OR A CRIME
21 OF VIOLENCE AS DEFINED IN § 5-101(C) OF THIS TITLE IS GUILTY OF A
22 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

23 (I) FOR A FIRST VIOLATION, IMPRISONMENT FOR NOT LESS THAN 5
24 YEARS AND NOT EXCEEDING 20 YEARS; AND

25 (II) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT FOR NOT
26 LESS THAN 10 YEARS AND NOT EXCEEDING 20 YEARS.

27 (2) THE COURT MAY NOT SUSPEND ANY MANDATORY MINIMUM
28 SENTENCE IMPOSED UNDER THIS SUBSECTION.

29 (3) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL SERVICES
30 ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY
31 MINIMUM SENTENCE.

32 (4) A SENTENCE IMPOSED UNDER THIS SUBSECTION SHALL BE
33 CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED
34 FOR THE UNDERLYING FELONY OR CRIME OF VIOLENCE.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2003.

